

EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FACEBOOK, INC.,

CASE NO. 5:08-CV-03468 JF

Plaintiff,

v.

STUDIVZ LTD., HOLTZBRINK NETWORKS
GMBH, HOLTZBRINK VENTURES GMBH and
DOES 1-25,

Defendants.

The above-styled cause came on for hearing on March 3, 2009 at 10:09 a.m. before The Honorable Howard R. Lloyd, United States Magistrate Judge, Courtroom 2, Fifth Floor.

APPEARANCES:

ON BEHALF OF PLAINTIFF:

Julio C. Avalos, Esq.
Thomas J. Gray, Esq.
ORRICK, HERRINGTON & SUTCLIFFE, LLP
1000 Marsh Road
Menlo Park, CA 94043
Phone: 650.614.7400 Fax: 650.614.7401
E-mail: javalos@orrick.com
E-mail: tgray@orrick.com

ON BEHALF OF DEFENDANTS:

Stephen S. Smith, Esq.
GREENBERG GLUSKER FIELDS CLAMAN & MACHTINGER, LLP
1900 Avenue of the Stars, 21st Floor
Los Angeles, CA 90067
Phone: 310.553.3610 Fax: 310.553.0687
E-mail: ssmith@greenbergglusker.com

1 compliment Ms. Hurst.

2 THE COURT: Oh, go ahead.

3 MR. SMITH: Ms. Hurst and I had very good
4 discussions about the meet and confer, and that's why
5 the last time we were here we represented to Your Honor
6 we had come to agreement on virtually every issue.

7 The problems with these particular requests,
8 these particular requests were not written with Calder
9 v. Jones or the issues in the case really in mind.

10 THE COURT: It often happens that in deciding
11 discovery disputes, I in effect re-write the requests
12 so that they say what I think is fair or appropriate as
13 opposed to what they literally say.

14 What I'm struggling with right now is to
15 decide whether to give him anything or nothing. I'm
16 not inclined to give him nothing, I'm inclined to give
17 him something, and I'm struggling to define a something
18 in a way that's reasonable.

19 MR. SMITH: I understand. My proposal is
20 that he -- that access is okay if it is for the purpose
21 of copying the design, look, feel, whatever other word
22 we want to use, of Facebook's own website, and as long
23 as it is limited to a fair group of people and a fair
24 amount of time, meaning a particular period of time.

25 If we go beyond that, we start getting into

1 STATE OF COLORADO)
2) ss. CERTIFICATE
3 COUNTY OF DENVER)
4

5 I, Christopher Boone, Certified Electronic
6 Court Reporter and Notary Public within and for the
7 State of Colorado, certify that the foregoing is a
8 correct transcription from the digital recording of
9 the proceedings in the above-entitled matter.
10

11 I further certify that I am neither counsel
12 for, related to, nor employed by any of the parties
13 to the action in which this hearing was taken, and
14 further that I am not financially or otherwise
15 interested in the outcome of the action.
16

17 In witness whereof, I have affixed my
18 signature and seal this 17th day of March, 2009.
19

20 My commission expires August 16, 2010.
21

22 
23 _____

24 Christopher Boone,
25 AAERT Certified Electronic Court Reporter

